



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

Brunswick Planning Commission Minutes January 28, 2008

Commission Members Present: Chair Edward Gladstone, Vice Chair Connie Koenig, Secretary Walt Stull - Council Liaison, Don Krigbaum, and Ellis Burruss, Alternate.

Staff Present: City Development Review Planner Jack Whitmore, City Attorney David Severn, and City Public Works Administrative Coordinator Jim Castle

Chair Koenig called the meeting to order at 7:00 PM.

Minutes

The minutes of the November 26, 2007 meeting were reviewed and approved. (MOTION by Mr. Burruss and seconded by Mr. Krigbaum unanimously passed.)

Chair

Ms. Koenig introduced that Staff that was present.

Ms. Koenig stated that the meeting would be conducted in accordance with Article 66B of the Annotated Code of Maryland and the Brunswick Planning Commission Rules and Procedures.

Ms. Koenig requested all those in attendance who were going to speak to rise and be sworn in.

Ms. Koenig stated that the night's events were being televised and recorded.

Mr. Whitmore stated that Mr. Gladstone had been absent at the previous meeting but had viewed the proceedings and had been given a digital recording. Mr. Whitmore also stated that Mr. Daugherty would not be present at the nights meeting.

Mr. Whitmore reviewed the Agenda Package and the distribution on the dais, and reminded the Commission that there will be a meeting on February 25, 2008 to discuss the Annual Reports. Also the February 19, 2008 Mayor and Council Cooper Annexation Workshop was mentioned and that the Commission's presence would be beneficial.

Old Business

Zoning – Site Plans

Planning Commission Minutes
January 28, 2008
Page 2 of 5

Lot 259 Brunswick Industrial Co. Addition to Brunswick Residential Site Plan – Request for Residential Site Plan Approval for proposed new single family dwelling, located on the north side of East F Street, West of Second Avenue. Zoning Classification: OS; Water and Sewer Classification: W-1, S-1; BR-IP-03-02-SP

Staff Presentation and Recommendation:

Mr. Whitmore presented the Recommendation from the November 26, 2007 Staff Report and outlined the issues.

Staff recommends approval of the application in accordance with the Staff Report and the following specific conditions:

1. Planning Commission finds the application complies with Article 8, Section 8.2 of the Zoning Ordinance.
2. The applicant must comply with the conditions of Article 8, Section 8.2 of the Zoning Ordinance.
3. The plan must be revised to note that the height is to be measured from the most restrictive grade from the street.
4. The Street Cross-section must be satisfactory to Public Works and the Planning Commission.
5. Improvement Plans and PWA Package Process are required to be submitted for Planning Commission Action and processing for applicable Mayor & Council approval.
6. Revise note 10 to reflect the correct length of the driveway on-site.
7. Revise the Site Plan to note the parking data for Required Parking and Provided Parking, and the garage needs to be noted with the housing type.
8. If the Planning Commission determines that landscaping is required, it must be noted and graphically shown on the Site Plan.
9. If Street lighting is required, it must be shown on the Site Plan to Public Works satisfaction.
10. Address Staff comments.
11. Address agency comments.
12. Final review and approval by Staff.
13. PWA Package submission and approval.
14. Applicant bound by their testimony.

Ms. Koenig asked the Mr. Stull to read for the record pages six and seven of the November 26, 2008 Minutes.

Mr. Whitmore answered the Commissions questions.

Applicant:

Mr. Sponseller petitioned the Commission to Table the item until the February 25, 2008.

Mr. Whitmore informed the Commission that if they intended to Table the item Staff would recommend that it be tabled until at least the March 24, 2008 meeting to allow staff adequate time to review any material that is submitted.

Planning Commission Minutes
January 28, 2008
Page 3 of 5

Mr. Krigbaum asked the applicant why the Continuance was warranted and if the reason for the Continuance was due to something out of his control.

Mr. Sponseller stated that the Continuance was to allow for the Surveyor to determine the Topography of the property, as the surveyor did not feel confident in his data provided to date thus providing more accurate data with a new survey.

Mr. Burruss asked if the surveyor was the same surveyor who had completed the Site Plan for Lot 260 in 2002.

Mr. Sponseller stated that it was the same surveyor.

Mr. Krigbaum noted that it would be in the Commissions interest to have the most accurate surveying information.

Ms. Koenig noted that a new survey might not give any additional information about any discrepancies with previous surveys.

Mr. Sponseller then stated that he had received correspondence from the City indicating that the Lot was to be graded. Copies were then provided to the Commission.

Ms. Koenig reminded the applicant that the Continuance must be acted upon prior to new information being presented.

Mr. Castle answered questions related to the letter that Mr. Sponseller had presented.

Mr. Severn noted that the Continuance based on Mr. Sponseller's request was in the Commissions interest (albeit the Commissions decision).

Ms. Koenig stated that an action by the Commission would be critical as there is now no retaining wall and the Lot is for sale. Mr. Stull and Mr. Gladstone agreed. Ms. Koenig also noted that this retaining wall (sediment control device) was a condition of approval for Lot 260.

Mr. Burruss asked why the wall had been removed.

Mr. Sponseller stated that the wall was removed because it makes too much total disturbance on Lot 259.

Mr. Burruss stated that he was unsure that removing the wall would restore a disturbance already made.

Mr. Sponseller stated that he had received a letter from Mr. Castle telling him to remove the wall.

Mr. Castle asked Mr. Sponseller when he had received the letter and when he had removed the wall.

Planning Commission Minutes
January 28, 2008
Page 4 of 5

Mr. Sponseller stated that he had removed the wall a week ago and that he had received the letter the other day.

Mr. Whitmore stated that Mr. Sponseller had received a Zoning Certificate for a Retaining Wall/Sediment Control Device and that it was to remain in place for that purpose. Mr. Whitmore also stated that Mr. Sponseller would have had to have received a Zoning Certificate for the Demolition of the Wall regardless of any previous recommendation.

Ms. Koenig asked for a motion regarding the request for a Continuance.

Decision:

Mr. Krigbaum made a motion to Continue the meeting until March 24, 2008

Mr. Stull seconded the motion.

Discussion:

Mr. Burruss wanted to know of the responsibility of sediment run off as it may be occurring without the Wall in place.

Mr. Krigbaum noted that a Commission action on a Continuance would probably not impact that issue. He also stated that this issue had become very convoluted and that additional information might be in the Commissions interest.

Mr. Gladstone questioned the validity of a new survey in contrast to the previous surveys.

Ms. Koenig stated that she was concerned that the applicant had already been provided sixty days to provide information to the Commission and the applicant had yet to do so. Ms. Koenig asked if it would be possible to have another Surveyor complete the survey.

Mr. Severn stated that the Commission did not have the authority to require another Surveyor complete a survey on the property. The Commission could request another Surveyor but would not be able to hold any data received against the applicant. He reminded the Commission that they did have the ability to judge information provided.

VOTE: 3 Yea 2 Nay

Commission Members Burruss, Krigbaum, and Stull Voted Yea.

Commission Members Gladstone and Koenig Voted Nay.

Public Comment:

Mr. Sponseller stated that he had done nothing but improve the property values in Brunswick.

Commission direction:

Planning Commission Minutes
January 28, 2008
Page 5 of 5

The Commission would like all information related to Lots 260 and 259 in reference to this case especially in regards to requirements set forth by different agencies, including a history and description of the Sediment Control Device and/or Retaining Wall on Lot 259.

The Commission requested that a determination be made as to whether a Disturbance that has been removed, be removed from the Percentage Total of the Limit of Disturbance for the entire Lot?

The Commission requested that all records be disclosed in all future applications for this lot by any current or future applicants.

Additional Comment:

Mr. Sponseller stated that he would repair the Silt Fence on Lot 259.

Mrs. Sponseller wanted the Commission to be made aware that the applicant would be replacing the Sediment Control Device.

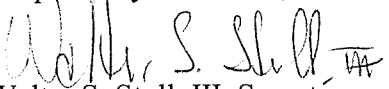
Ms Koenig reminded Mrs. Sponseller that the device was not to be removed in the first place without stabilization as a condition of Lot 260 approval.

Mr. Whitmore reminded the Commission that the next scheduled meeting was February 25, 2008 at 7:00 PM, and that their presence may be requested at the February 19, 2008 Mayor and Council Cooper Annexation Workshop.

Adjournment

The meeting was adjourned at 8:35 PM.

Respectfully submitted,


Walter S. Stull, III, Secretary
Brunswick Planning Commission